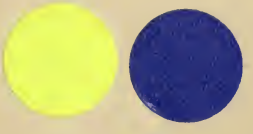

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W. F. Johnston

GOVERNOR'S MESSAGE.

March 22, 1850

Pennsylvania

MESSAGE

OF THE

GOVERNOR OF PENNSYLVANIA,

TRANSMITTING

RESOLUTIONS RELATIVE TO SLAVERY,

PASSED BY THE

LEGISLATURES OF VIRGINIA AND GEORGIA.

HARRISBURG:
J. M. G. LESCURE, PRINTER TO THE STATE.
1850.

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MESSAGE.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen :—The States of Virginia and Georgia, have transmitted to the Executive Department of this Commonwealth, resolutions in reference to the preservation of the Union; the institution of slavery; and complaining of certain alleged violations of the Constitution of the United States. A respectful courtesy to these distinguished members of the confederacy, demands from the government of Pennsylvania an early and calm consideration of the grievances thus presented.

The known character of the citizens of this Commonwealth, for their faithful adherence to the National Constitution; their deep veneration for, and attachment to, the National Union, and their uniform respect and regard for the rights, privileges and happiness of the citizens of the other States of the confederacy, is a sufficient pledge, that they would feel deeply wounded, should their representatives, by silence and acquiescence, seem to admit that they, or their government, were justly obnoxious to the assertion that they "had commenced, and were persisting in a system of encroachment upon the Constitution, and rights of a portion of the people of this confederacy, which is alike unjust and dangerous to the peace and perpetuity of the cherished Union."

Persuaded that there exists no unkind feeling among our citizens to any other portion of the confederacy, and that a cordial love for the National Constitution and Union, pervades our entire population; it is deemed a pleasant duty to transmit those resolutions to your honorable bodies, that the necessary measures may be adopted after a candid consideration of the whole subject, to give a decided negative to the complaints of our sister Republics, if they have done our people and government injustice in these charges; and if otherwise, to offer the amplest assurance that the speediest remedies will be provided to redress any just grievances. This action is necessary in order that no truthful accusation of a wilful and wanton breach of the Constitution; infidelity to the National Union, or invasion of the rights of others, shall stain the social history of Pennsylvania.

The wrongs alleged may be classified as follows:

First. That the people of the non-slaveholding States have encroached upon the Constitution of the United States.

Second. That they have done acts hostile to the peace and perpetuity of the National Union.

Third. That they have unjustly, dangerously and injuriously, trespassed upon the rights of other portions of the confederacy.

These are grave charges against the faith and honor of this Commonwealth,—and hence the necessity of a careful examination of their justice and truth.

Questions connected with the slavery of the colored race, have given origin to these complaints.

It is not necessary to discuss the abstract question of slavery. If it were *now* to be established, if the foot-prints of the bondsman, were *now* for the first time to mark the soil of our common country;—if the Constitution were now to be formed, it would be our duty to enter our solemn protest against its introduction or recognition. We should feel a pleasure in the adoption of a different policy from that imposed upon us by our British progenitors.

Where they forged and rivited, we would strike the chains of bondage from human limbs.

The Constitution of the United States, however, having guarantied to a certain extent, the existence of slavery; and recognized the rights of the people of the slave-holding States in their peculiar property; all such discussions in reference to the institution as it exists in those States, are properly precluded by a just sense of constitutional duty. With slavery, therefore, in the several States, there is not now, and never has been any disposition on the part of the government of Pennsylvania to interfere.

Let us examine how far the general charges made against the people of the free States, apply to our citizens. To do so with more clearness, a recital of the events preceding, and attending the formation of the Constitution, is deemed necessary and proper.

Pennsylvania had been a slaveholding State. The introduction and use of servile labor, and the moral and political degradation of the colored race, had been engrafted upon her liberal institutions by the cupidity of our British ancestry. While the revolution, and the separation of the colonies from the mother country were in progress;—and before the recognition of their independence by the government of Great Britain, her Legislature, by the act of the 1st March, 1780, abolished slavery within her borders. A copy of that statute is hereto annexed.

The preamble to this act, in strong and appropriate language, expresses an abhorrence of that condition of civil bondage to which the arms and tyranny of Great Britain were exerted to reduce us, acknowledges the beneficient agency of the Supreme God, in our deliverance from the threatened dangers, and admits the great injustice and wrong done to the servile race, by means whereof they had been "deprived of the common blessings to which they were by nature entitled;" and then, in commemoration of our own happy escape from tyrannic and despotic power, provides, that all persons, as well negroes and mulattoes as others, who shall be born within this State, from and after the date of the said act, shall not be deemed and considered servants for life, or slaves.—The further provisions of this humane law relate to the registry of slaves, the service of their children, their support when left indigent, their trial for offences; and whilst it thus declares, in most express terms, that no man or woman, of any nation, or color, except registered slaves, shall at any time thereafter be deemed, adjudged, or holden within the territories of this Commonwealth as slaves, or servants for life, but as free men and free women; it makes provision for the protection of the property of non-residents in slaves, or servants for life, who may be sojourners for a period of six months. On the 29th March, 1788, another act, intended to cure the defects in the act of 1st March, 1780, was passed, and is hereto annexed.

These enactments made Pennsylvania a non-slaveholding State; and in terms of the clearest and strongest character, marked the determination of her people to abolish forever, servile labor within her borders. Whilst the preamble to the first act recited and embodied the reasons for the abolition of, and expressed her feelings in relation to, the institution of slavery, it furnished notice of the most authentic kind, of her determined resistance to its increase and extension.

The Congress of the States in session in New York, (Virginia, Georgia and Pennsylvania being represented therein,) on the 13th July, 1787, passed an ordinance, with great unanimity, that slavery, or involuntary servitude, should never be established, except for crime, within the then territories of the confederated States. There is no excepting or saving clause—no line of compromise, or designation of degrees of latitude, to limit the area of freedom; but an entire, absolute, and unconditional prohibition of the institution in all the territories then under the jurisdiction of the Congress.

The act of 1780, had given notice to the other States of the views entertained by Pennsylvania, on this important subject. The ordinance of 13th July, 1787, was conceived in the same spirit, and gave an assurance that the evils of human bondage should never be extended, and would eventually cease to exist among a free people. It was in this belief that the citizens of Pennsylvania consented to a constitution which recognized to some extent the institution of slavery.

The Constitution being adopted, went into operation on the 2nd April, 1789. It contains the following provisions, directly or indirectly connected with the servitude of the colored race:

First. As regards representation, it provides: "That representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.

"*Second.* The migration or importation of such persons as any of the States *now existing* shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

"*Third.* No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The provision in the Constitution limiting the duration of the slave traffic, and the act of the National Congress immediately preceding its adoption, in relation to its non-extension to the territories of the Union, would seem to leave no doubt upon the mind, that it was the intention and meaning of the framers of the Constitution to prevent the extension and increase of human slavery, and at an early period to secure its entire abolition in the several States.

The qualified representation of the servile race, and the delivery of fugitives, were concessions made to the people of the slaveholding States.

To this organic law, containing these provisions, Pennsylvania gave her assent, and it is therefore a duty on her part to respect, with religious fidelity, the rights therein guarantied to other States.

That this Commonwealth has been faithful in the discharge of all her federal obligations, it is believed can be made manifest. It is true, that her business pursuits have been frequently interrupted; it is true that her just weight in the national councils has been lessened by the representation of the servile race;—it is true that the representation of property instead of people, has been felt by her citizens, as anti-republican and wrong; nevertheless, she has always felt it a duty faithfully to discharge her obligations as a member of the National Union.

The institution of slavery has assumed a new position and importance, by the successful attempt to extend it beyond its original limits. In every instance of the kind, this Commonwealth has raised her voice in earnest protest. In the written Constitution, to the observance of whose provisions her faith had been pledged, there was found no authority for its introduction into new, and after-acquired territory. With the knowledge that the framers of the Constitution had taken a part in the deliberations of the Congress of 1787, and that the intention of their ordinance, was the preservation from the malign influences of slavery, of all the territory then belonging to the Union; it was reasonable to suppose that any acquiescence on her part in the acquisition of immense regions, to be covered with slavery, would be given with great reluctance.

The same liberality of sentiment that breathed in the Declaration of the National Independence; the same ardent love of human freedom, that conceived the ordinance of 1787; the same hatred of human bondage, that induced the abolition of the slave trade; it was believed would influence and direct the opinions and actions of the descendants of those illustrious fathers who placed these proud memorials among the venerated archives of the Republic

At the time of the admission of Missouri, it is well known with what unanimity this government protested against the introduction of servile labor into that fertile region. The language of her protest is clear and strong; it breathes the true feeling of her patriotic children.

To the compromise line at that time adopted, it is presumed, no assent was given on her part.

To have done so, would have done violence to her principles; and would have been an abandonment of her early and cherished policy. It was an infraction of the spirit of the ordinance of 1787, and was a doubtful exercise of constitutional power, as well as a species of infidelity to the National Union. The act of 1780 abolished slavery, and alleged there was no human right to exact human bondage. The ordinance of 1787, prohibited slavery in the territories of the then confederation, and the reasons for its enactment, applied as forcibly to the west bank of the Mississippi, as they did to the north bank of the Ohio. The National Constitution contained nothing to authorize the acquisition of new territory, and the erection of further slave institutions. On the contrary, by its provisions, in reference to the slave traffic, and the concurrent events attending its formation, it appeared to mark limits to the extent and duration of the institution; hence any action enlarging its boundaries was an unwarranted assumption of power.

The union of the States was endangered by the erection of imaginary lines tending to engender, and keep alive sectional jealousies and prejudices. Pennsylvania desired no new Mason's and Dixon's line, to mark distinctive characters and tastes among a homogeneous people.

In the powers of the National Congress, is found no authority to create slavery, unless its introduction formed a portion of a treaty acquiring territory, or was the condition of a grant of lands. The spirit of universal liberty guarded all soil blessed by the institutions of freedom; and to establish bondage, positive enactments were necessarily required.

These sentiments of Pennsylvania remain unchanged, and if their expression, with a perfect willingness to submit their accuracy to the supreme judicial tribunals of the country, were aggressions on the rights of the citizens of Virginia and Georgia; if they were an infraction of the National Constitution, or tended to a dissolution of the Union, the demonstration thereof has not been made manifest to our citizens.

The National Government is admitted to be a government of limited powers, and that no authority can be exercised by it unless conferred by the Constitution. In the Constitution is found no express authority for the acquisition of new territory by purchase,—no express authority to admit new States into the confederacy formed from such acquired territory,—no expressed or written power to absorb and annex another and a distinct sovereignty; to assume its debts, finish its unsettled warfare, or to take charge of its public domain,—no express authority is given to plant the institution of slavery where it does not exist; and certainly none to guarantee to it, in its new home, the unequal, and anti-republican representation to which it is entitled in the original States.

The practical and common sense exposition of the Constitution, it is freely conceded, would invest a government of limited powers, with all the authority necessary to carry into effect its expressly granted powers.

The powers of Congress over the territories of the Union, and the District of Columbia, are embraced in the following provisions:

First. New States may be admitted by Congress into the Union. Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or any particular State.

Second. Congress has the right to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square,) as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States.

The parts of the Constitution hereinbefore detailed, and mentioned below, embrace all the provisions necessary or essential for our present purpose.

1. The slave representation in the National Congress.
2. The non-importation of slaves after 1808.
3. The extradition of fugitives from labor.
4. The authority of Congress over the territories.
5. The authority of Congress over the District of Columbia.

Which of these provisions of the National Constitution has been encroached upon by Pennsylvania? There is no part of her history, legislative, executive, or judicial, that shows any interference with the rights of representation belonging to Virginia or Georgia.

No charge has been made against her faithful observance of that portion of the Constitution in relation to the importation or non-importation of slaves. The authority of Congress to establish slavery in territories wherein it does not exist, this State has denied in mild and friendly terms; and in submitting heretofore to the exercise of the power, when new slaveholding States have been admitted, no bitterness has marked her complaints and protests. The authority of Congress to abolish slavery in the District of Columbia is apparent, unless the words employed conferring it, give less, and a different power, when inserted in Constitutions, than when used in other portions of the written and spoken language of the country.

The complaint in relation to the non-delivery of fugitives from labor, will be best answered by a review of the laws enacted on the subject.

The act of 1780, although it denied the use of slave property to her own citizens, with a careful regard for the rights of the slave holding States, permitted sojourners to retain the ownership of such property for six consecutive months, within the State. The frequent evasions of this part of the statute, and the effort made to extend slavery to the offspring of slave mothers, caused the act of 29th March, 1788.

The constitutional provision before mentioned, for the reclamation of fugitives, followed soon after, and was supposed to place all power over the subject in the National Legislature. The act of Congress of 12th February, 1793, entitled "An Act respecting fugitives from justice, and persons escaping from the service of their masters," appeared to confirm this opinion. It was believed, however, that a concurrent jurisdiction vested in the National and State Legislatures. At the request of a number of gentlemen of the neighboring State of Maryland, as is stated in the argument in the case of Prigg *vs.* Commonwealth, the act of 25th March, 1826, was passed. Three objects were intended to be secured by this legislation, to wit: The delivery of fugitives from labor;—the protection of free colored people, and the prevention of kidnapping.

The first and second sections describe the offence of kidnapping and prescribe its punishment. The propriety and justice of its enactments cannot be questioned. The other sections of this statute, relate to the reclamation of fugitives from labor, and the powers given to the owner to retake his property, and the obligations to aid and co-operate with him, imposed upon the officers of this Commonwealth, were of such character as ought to have satisfied all reasonable and fair dealing men, of the disposition of this Commonwealth to have the provisions in the Constitution, and the acts of Congress, completely carried into effect. While the law provided ample security for the safe keeping of the alleged fugitive, until the owner might have an opportunity to obtain the proof of his former condition, it required other proof of this fact than the oath of the interested claimant or his agent or attorney. The provisions of this law were fair and equitable, and well calculated to aid the owner in the recovery of his property;—and it is deemed a matter of surprise that it was contested and annulled, through the agency of the same State whose citizens had procured its enactment. The guards in the statute, intended to preserve the liberty of the freeman, would by the investigation it demanded, cause some trouble in procuring the final extradition of the fugitive slave.

The proof of property, by other evidence than the oath of the claimant, was certainly demanding as little as our southern friends in justice should have desired, when they asked the aid of the official power of the Commonwealth, to send from her jurisdiction and territory, human beings, invoking the protection and guardianship of her laws. The supreme court, however, decided, that the provisions of said law, imposing restraints upon the claimant's power to remove the alleged fugitive, were unconstitutional. If the restrictions imposed by the statute were intended to aid the escape, or to prevent the extradition of the fugitive, the accuracy of the decision cannot be doubted, but if these guards were inserted as necessary to protect the liberty of the freeman, the

decision was wrong, unless it was adjudged that the sole authority over the subject was vested in Congress. This decision left to the master the authority to claim as provided in the Constitution, and also authorized him to seize and remove the individual who, he alleged, was his property, and to use for that purpose the official power of the State; without permitting to her the right to control, and regulate the manner of the procedure, or to determine the truth and justice of the alleged claim. It established the principle that a stranger to the soil of Pennsylvania might enter upon it, and by possibility inflict the deepest injury upon her sovereignty by the abduction of her citizens on false pretences. The supreme judicature having so decided the question, our law abiding citizens submitted, but with the determination, that in the spirit of that decision, the officers of this Commonwealth should not be made the instruments, even by possibility, on such slight foundation as a claimant's interested demand, of enslaving free men. To prevent this great possible wrong, the act of 3rd March, 1847, repealing all legislation on the subject, and forbidding the officers of the State to take any part in the recapture of such alleged fugitives, was enacted. The constitutional provision, and the act of Congress, our State has endeavored to carry into full effect. She has denied, and it is hoped ever will deny, the power of Congress to impose the performance of duties upon her municipal and judicial officers without her consent.

An act of Congress providing a mode of procuring due proof of the correctness of the claim of the reputed owner of a fugitive from labor; and requiring satisfactory evidence from disinterested parties, of the former condition of the person claimed, would receive the sanction of our citizens, and their co-operation in carrying it into effect. No enactment would satisfy the citizens of Pennsylvania that failed to require strict proof of the right of the master

In this recital of her legislative history, it is impossible to discover wherein this Commonwealth has been unfaithful to the National Constitution.

If the obligations imposed upon us by the Constitution have been thus faithfully discharged;—and if every page of our history;—every volume of our laws—demonstrate that our federal relations have been honestly regarded; is it not an act of injustice on the part of Virginia and Georgia, to charge us with a wilful neglect and infraction of our duties to the national compact?

Is it an aggression for our people, in the exercise of the liberty of speech, to proclaim that slavery is an evil, and a wrong, and that at the adoption of the Constitution, these principles were avowed and maintained? Is it a wrong in them to say that power is vested in Congress to prohibit the introduction of slavery into the territories, and to abolish it in the District of Columbia? The Federal Constitution denies to them no right to speak freely on these subjects.

If it did, this government never would have existed, clothed with power so despotic and unjust.

Whether it is expedient to legislate upon the subject of the exclusion of slavery from the territories, and of its abolition in the District of Columbia, at the present time, by the National Congress, or to permit the people of the respective territories, and the District of Columbia, to act for their own best interests, and according to their own views of policy and right, is no part of our present duty to determine. These questions may well be left to the representatives in Congress, under the instructions of the people, to decide as may seem most conducive to the welfare of all sections of our common country; but it is nevertheless right and proper, and a duty we owe to the people of Pennsylvania,—to the memory of her early and patriotic statesmen;—to the reputation of the public men of the past generation, and to those now entrusted with her destinies, to deny in dignified and decided terms the insinuations and charges made against her faith and integrity.

The allegation of infidelity to the National Union is best answered by the history of her devotion and attachment to this palladium of our civil and religious freedom.

The alien and sedition laws of the National Congress, while they found no sympathy in the hearts of her citizens, but roused their deepest and deadliest opposition, failed to provoke her people to enter into any arrangements for their resistance by force, even to a destruction of the Union.

The extension of slavery over portions of the vast domains of the Louisiana purchase, although in direct opposition to her united and solemn protest, and calculated to outrage the feelings of her people, produced no threats of dissolution.

The prostration of her industrial pursuits, caused by the influence of the augmented slave representation in the National Congress, by the admission of Texas; while it deeply wounded, could not destroy her confidence and love for the national compact.

The compromise of the revenue laws, made to win an erring sister to the duty of obedience to the Constitution and laws, by which wide spread ruin swept over her borders, wrung from her citizens no denunciations of the Federal Union.

The refusal on the part of certain slaveholding States to deliver up, although required so to do by express provision of the Constitution, kidnappers, whose wrongdoing was against the very sovereignty of the Commonwealth, furnished in her opinion, no valid reason for assembling conventions to disrupt the confederation of the States.

All these acts, so injurious to her people, might have authorized deep and loud complaints, but her love for the Union rendered her silent; and induced the hope, that different and more friendly counsels would prevail. Her voice was heard only in kind remonstrance. No harsh complaints of a violated Constitution and invaded rights, were uttered, to wound a brother's ear, and interrupt the social and kindred friendships of a united people. She remembered that we were a common people; that a common purpose, for the advancement of human rights, had produced our connexion; that a common danger had united us in fraternal bonds; and that a common destiny awaited us.

She reflected that the same soil had been made red with the blood of a common ancestry, and that the same religion, laws, institutions, habits and pursuits, governed and guided and marked our common pathway. Relying on the justice and fraternal feelings of a common country, she believed that her rights and interests would be, in proper time, admitted, recognized and protected. The attachment of Pennsylvania to the Union during her entire career, has been as pure and ardent as it was in the first hours of its existence, and her faith in its stability and permanent preservation, has never changed. She feels that the cement of the Union is the heart blood of the entire people; and that in the hands of the masses, the fabric of liberty is placed beyond the reach of its secret foes. She confidently believes that to prevent its disruption and overthrow, in the common danger would be found side by side, as of old, the sons of Virginia, Georgia and Pennsylvania, patriotically and nobly striving, in a common purpose, to plant on a higher, safer, holier and more stable basis, the National Banner, and united therewith, forever and indestructible the "*Virtue, Liberty, and Independence*" of Pennsylvania,—the "*Sic Semper Tyrannis*" of Virginia;—and the "*Wisdom, Justice and Moderation*" of Georgia.

In obedience to the constitutional duty requiring me to transmit such information to the Legislature as may be deemed pertinent to the welfare of the people, I beg leave to submit these resolves of Virginia and Georgia, with this message; and to request the passage of such resolutions to be forwarded to the Executives of Georgia and Virginia, as may indicate the injustice done to this Commonwealth in the declarations made by their Legislatures; while at the same time, we offer assurances of our cordial respect for, and faithful support of the National Constitution and Union, and of our sincere and fraternal feelings towards their people as citizens of a common country.

WM. F. JOHNSTON.

EXECUTIVE CHAMBER,
HARRISBURG, *March* 22, 1850.

STATE OF GEORGIA.

In the House of Representatives, January 26th, 1850.

WHEREAS, The people of the non-slaveholding States have commenced, and are persisting in a system of encroachment upon the Constitution and the rights of a portion

of the people of this confederacy, which is alike unjust and dangerous to the peace and perpetuity of our cherished Union. Be it

1. *Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly convened*, That the government of the United States is one of limited powers, and cannot rightfully exercise any authority not conferred by the Constitution.

2. *Resolved*, That the Constitution grants no power to Congress to prohibit the introduction of slavery into any territory belonging to the United States.

3. *Resolved*, That the several States of the Union acceded to the confederacy upon terms of perfect equality, and that the rights, privileges, and immunities secured by the Constitution, belong alike to the people of each State.

4. *Resolved*, That any and all territory acquired by the United States, whether by discovery, purchase, or conquest, belongs in common to the people of each State, and thither the people of each State and every State have a common right to emigrate with any property they may possess, and that any restriction upon this right, which will operate in favor of the people of one section to the exclusion of those of another, is unjust, oppressive, and unwarranted by the Constitution.

5. *Resolved*, That slaves are recognized by the Constitution as property, and that the Wilmot Proviso, whether applied to any territory at any time heretofore acquired, or which may be hereafter acquired, is unconstitutional.

6. *Resolved*, That Congress has no power either directly or indirectly, to interfere with the existence of slavery in the District of Columbia.

7. *Resolved*, That the refusal on the part of the non-slaveholding States to deliver up fugitive slaves, who have escaped to said States, upon proper demand being made therefor, is a plain and palpable violation of the letter of the Constitution, and an intolerable outrage upon Southern rights, and that it is the imperative duty of Congress to pass laws providing for the enforcement of this provision of the Constitution, by federal, judicial and ministerial officers responsible to the federal government.

8. *Resolved*, That in the event of the passage of the Wilmot Proviso by Congress, the abolition of slavery in the District of Columbia, the admission of California as a State, in its present pretended organization, or the continued refusal of the non-slaveholding States to deliver up fugitive slaves as provided in the Constitution, it will become the immediate and imperative duty of the people of this State to meet in convention to take into consideration the mode and measure of redress.

9. *Resolved*, That the people of Georgia entertain an ardent feeling of devotion to the Union of these States, and that nothing short of a persistance in the present system of encroachment upon our rights by the non-slaveholding States, can induce us to contemplate the possibility of a dissolution.

10. *Resolved*, That his Excellency the Governor be requested to forward copies of these resolutions to each of our Senators and Representatives in Congress, to the legislatures of the several States, (except VERMONT and CONNECTICUT,) and to the President of the United States.

Read and agreed to.

JOHN W. ANDERSON.
Speaker of the House of Representatives.

[Attest.] B. K. HARRISON, *Clerk of the House of Representatives.*

In Senate.

Concurred in.

W. B. WOFFORD,
President of the Senate.

[Attest.] LUTHER J. GLENN, *Secretary of the Senate.*

Assented to 8th February, 1850.

GEO. W. TOWNS,
Governor

EXECUTIVE DEPARTMENT,
RICHMOND, VIRGINIA, *Feb'ry* 13, 1850.

SIR:—I have the honor to transmit to you the accompanying preamble and resolutions adopted by the General Assembly of the State of Virginia.

Very respectfully,
Your obedient servant,
JOHN B. FLOYD.

To his Excellency, the Governor of Pennsylvania.

WHEREAS, The recent action of the General Assembly upon the Wilmot Proviso and kindred subjects, and in relation to fugitive slaves, has met with no other response from the non-slaveholding States than violent denunciation and a systematic perseverance in the wrongs of which we complained. *And whereas*, It is apparent that the inevitable result of such a course of action on the part of a portion of the States must be to excite bitterness, jealousy and distrust among the rest; to kindle the angriest passions, to extinguish that spirit of concession, and destroy that mutual forbearance and fraternal affection which founded and have sustained our confederacy; and, finally, to dissolve the Union itself: *And whereas*, We are anxious, if possible, to avert the evils which threaten us, and believe that the most effectual means of doing this are to be found in the cordial union of the whole south, for the maintenance of the Constitution, and the preservation of the Union, if it can be preserved, and for their own preservation if it cannot:

1. *Be it therefore resolved by the General Assembly of Virginia*, That upon the question thus perseveringly and recklessly forced upon the country, Virginia has taken her position, and that position will be maintained. Her loyalty to the Union is no matter of empty profession. It is stamped upon every page of her history. No State has done as much to form the Union; none is prepared to do more to perpetuate it in the spirit in which it was formed, and in which alone it can be preserved. But, loyal as she is and always has been, it were a fatal error to suppose that Virginia will ever consent that that Union, to which she has looked as a source of happiness and honor, shall be converted into an instrument of degradation and oppression.

2. *Resolved*, That in the event of the passage of the Wilmot Proviso, or of any law abolishing slavery in the District of Columbia, or in any manner interfering with the rights of slaveholders therein, or abolishing slavery in or the slave trade between the States, Virginia will be prepared to unite with her sister slaveholding States, in convention or otherwise, in the adoption of any measures that may be necessary to provide for their mutual defence or to secure their common safety.

3. *Resolved*, That, in the opinion of this General Assembly, a southern convention, in which the States as States are represented, should consist of delegates selected by the people of the several States in convention assembled, who should carry with them all the authority derived from such an appointment, and be prepared to act for those whom they represent.

4. *Resolved, therefore*, That upon the happening of either of the contingencies contemplated in the second resolution, the Governor be authorized and requested (instead of convening the Legislature) to issue his proclamation for the election of delegates to a State convention to take into consideration the mode and measure of redress, with power to appoint delegates to a southern convention, and to adopt such measures as the crisis may demand: The said delegates to be chosen by each city, county or election district, according to its representation in the house of delegates, and to receive the same pay and mileage as members of the General Assembly.

5. *Resolved*, That regarding the convention proposed to be held at Nashville, on the first Monday in June next, as intended to enable the people of the south to take counsel together as to the best and most effectual means of resisting the aggressions of the north, of enforcing a compliance on their part with their constitutional obligations,

and thereby of preserving the union of these States, now in imminent peril by reason of the course pursued by the non slaveholding States, and their representatives in Congress, in the ceaseless agitation (and that too in the most unfriendly spirit) of questions involving the peace, the institutions, and the very existence of the southern States—and approving the objects of said convention, as above set forth, the General Assembly doth recommend to the good people of this Commonwealth to send delegates thereto; and that to this end they hold primary meetings in each city, county and election district in this State, and appoint delegates to a convention, to be held in each congressional district, in the month of May next; and that the district conventions, so constituted, do each select two persons (one from each of the two political parties of the country) who shall be delegates to the said Nashville convention.

6. *Resolved*, That the Governor of this Commonwealth be requested to send a copy of these resolutions to each of the States of this Union, and also to our senators and representatives in Congress.

Adopted by the General Assembly, February 12, 1850.

GEORGE W. MUNFORD, *C. H. D.*

AN ACT

For the gradual abolition of slavery.

When we contemplate our abhorrence of that condition to which the arms and tyranny of Great Britain were exerted to reduce us, when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied, and our deliverances wrought; when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings which we have undeservedly received from the hand of that Being from whom every good and perfect gift cometh. Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others which hath been extended to us, and release from that state of thraldom, to which we ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to inquire why, in the creation of mankind, the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know, that all are the work of an Almighty hand. We find, in the distribution of the human species, that the most fertile as well as the most barren parts of the earth, are inhabited by men of complexions different from ours, and from each other; from whence we may reasonably, as well as religiously, infer, that He who placed them in their various situations, hath extended equally his care and protection to all, and that it becometh not us to counteract his mercies. We esteem it a peculiar blessing granted to us, that we are enabled this day to add one more step to universal civilization, by removing, as much as possible, the sorrows of those who have lived in undeserved bondage, and from which, by the assumed authority of the Kings of Great Britain, no effectual, legal relief could be obtained. Weaned, by a long course of experience, from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence towards men of all conditions and nations; and we conceive ourselves at this particular period extraordinarily called upon, by the blessings which we have received, to manifest the sincerity of our professions, and to give a substantial proof of our gratitude.

2. And whereas, The condition of those persons who have heretofore been denominated negro and mulatto slaves, has been attended with circumstances which not only deprived them of the common blessings that they were by nature entitled to, but has cast them into the deepest afflictions, by an unnatural separation and sale of husband and wife from each other and from their children; an injury, the greatness of which can only be conceived by supposing that we were in the same unhappy case. In justice, therefore, to persons so unhappily circumstanced, and who, having no prospect before them whereon they may rest their sorrows and their hopes; have no rea-

sonable inducement to render their service to society, which they otherwise might, and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain—

3. *Be it enacted, and it is hereby enacted*, That all persons, as well negroes and mulattoes as others, who shall be born within this State from and after the passing of this act, shall not be deemed and considered as servants for life, or slaves; and that all servitude for life, or slavery of children, in consequence of the slavery of their mothers, in the case of all children born within this State from and after the passing of this act, as aforesaid, shall be, and hereby is, utterly taken away, extinguished, and forever abolished.

4. *Provided always, and be it further enacted*, That every negro and mulatto child born within this State after the passing of this act as aforesaid, (who would in case this act had not been made, have been born a servant for years, or life, or a slave,) shall be deemed to be, and shall be, by virtue of this act, the servant of such person, or his or her assigns, who would in such case have been entitled to the service of such child, until such child shall attain unto the age of twenty-eight years, in the manner, and on the conditions, whereon servants bound by indenture for four years, are or may be retained and holden; and shall be liable to like correction and punishment, and entitled to like relief, in case he or she be evilly treated by his or her master or mistress, and to like freedom, dues and other privileges, as servants bound by indenture for four years, are or may be entitled, unless the person to whom the service of any such child shall belong, shall abandon his or her claim to the same, in which case the overseers of the poor of the city, township or district, respectively, where such child shall be so abandoned, shall by indenture, bind out every child so abandoned, as an apprentice, for a time not exceeding the age herein before limited for the service of such children.

5. *And be it further enacted*, That every person who is or shall be the owner of of any negro or mulatto slave or servant for life, or till the age of thirty-one years, now within this State, or his lawful attorney, shall, on or before the said first day of November next, deliver, or cause to be delivered, in writing, to the clerk of the peace of the county, or to the clerk of the court of record of the city of Philadelphia, in which he or she shall respectively inhabit, the name and surname, and occupation or profession of such owner, and the name of the county and township, district or ward, wherein he or she resideth; and also the name and names of any such slave and slaves, and servant and servants for life, or till the age of thirty one years, together with their ages and sexes, severally and respectively set forth and annexed, by such person owned, or statedly employed, and then being within this State, in order to ascertain and distinguish the slaves and servants for life, and till the age of thirty-one years, within this State, who shall be such on the said first day of November next, from all other persons; which particulars shall, by said clerk of the sessions and clerk of the said city court, be entered in books to be provided for that purpose by the said clerks; and that no negro or mulatto, now within this State, shall, from and after the said first day of November, be deemed a slave or servant for life, or till the age of thirty-one years, unless his or her name shall be entered as aforesaid on such record, except such negro and mulatto slaves and servants as are hereinafter excepted; the said clerk to be entitled to a fee of two dollars for each slave or servant so entered as aforesaid, from the treasurer of the county, to be allowed to him in his accounts.

6. *Provided always*, That any person, in whom the ownership or right to the service of any negro or mulatto shall be vested at the passing of this act, other than such as are hereinbefore excepted, his or her heirs, executors, administrators and assigns, and all and every of them, severally, shall be liable to the overseers of the poor of the city, township or district to which any such negro or mulatto shall become chargeable, for such necessary expense, with costs of suit thereon, as such overseers may be put to through the neglect of the owner, master or mistress of such negro or mulatto, notwithstanding the name and other descriptions of such negro or mulatto shall not be entered and recorded as aforesaid, unless his or her master or owner shall, before such slave or servant attain his or her twenty-eighth year, execute and record in the proper county, a deed or instrument, securing to such slave or servant his or her freedom.

7. *And be it further enacted*, That the offences and crimes of negroes and mulattoes, as well slaves and servants as freemen, shall be inquired of, adjudged, corrected and punished, in like manner as the offences and crimes of the other inhabitants of this State are and shall be inquired of, adjudged, corrected and punished, and not otherwise, except that a slave shall not be admitted to bear witness against a freeman.

8. *And be it further enacted*, That in all cases wherein sentence of death shall be pronounced against a slave, the jury before whom he or she shall be tried, shall appraise and declare the value of such slave; and in case such sentence be executed, the court shall make an order on the State Treasurer, payable to the owner for the same, and for the costs of prosecution, but in case of remission or mitigation, for the costs only.

9. *And be it further enacted*, That the reward for taking up runaway and absconding negro and mulatto slaves and servants, and the penalties for enticing away, dealing with or harboring, concealing or employing negro and mulatto slaves and servants, shall be the same, and shall be recovered in like manner as in case of servants bound for four years.

10. *And be it further enacted*, That no man or woman of any nation or color, except the negroes or mulattoes who shall be registered as aforesaid, shall at any time hereafter be deemed, adjudged or holden within the territories of this Commonwealth, as slaves or servants for life, but as free men and free women, except the domestic slaves attending upon delegates in Congress from the other American States, foreign ministers and consuls, and persons passing through or sojourning in this State, and not becoming resident therein, and seamen employed in ships not belonging to any inhabitant of this State, nor employed in any ship owned by any such inhabitant: *Provided*, Such domestic slaves be not alienated or sold to any inhabitant, nor (except in the case of members of Congress, foreign ministers and consuls) retained in this State longer than six months.

11. *Provided always, and be it further enacted*, That this act, or any thing in it contained, shall not give any relief or shelter to any absconding or runaway negro or mulatto slave or servant, who has absented himself or shall absent himself from his or her owner, master or mistress, residing in any other State or country; but such owner, master or mistress, shall have like right and aid to demand, claim and take away his slave or servant, as he might have had in case this act had not been made; and that all negro and mulatto slaves now owned and heretofore resident in this State, who have absented themselves or been clandestinely carried away, or who may be employed abroad as seamen, and have not returned or been brought back to their owners, masters or mistresses, before the passing of this act, may, within five years, be registered, as effectually as is ordered by this act concerning those who are now within the State, on producing such slave before any two justices of the peace, and satisfying the said justices by due proof of the former residence, absconding, taking away, or absence of such slaves as aforesaid, who, thereupon shall direct and order the said slave to be entered on the record as aforesaid.

12. *And whereas*, Attempts may be made to evade this act, by introducing into this State negroes and mulattoes bound by covenant to serve for long and unreasonable terms of years, if the same be not prevented:

13. *Be it therefore enacted*, That no covenant of personal servitude or apprenticeship whatsoever, shall be valid or binding on a negro or mulatto for a longer time than seven years, unless such servant or apprentice were, at the commencement of such servitude or apprenticeship, under the age of twenty one years, in which case such negro or mulatto may be holden as a servant or apprentice respectively, according to the covenant, as the case shall be, until he or she shall attain the age of twenty-eight years, but no longer.

14. *And be it further enacted*, That an act of Assembly of the province of Pennsylvania, passed in the year one thousand seven hundred and five, entitled "An Act for the trial of negroes;" and another act of Assembly of the said province, passed in the year one thousand seven hundred and twenty-five, entitled "An Act for the better regulating of negroes in this province;" and another act of Assembly of the said province, passed in the year one thousand seven hundred and sixty-one, entitled "An Act

for laying a duty on negro and mulatto slaves imported into this province;" and also, another act of Assembly of the said province, passed in the year one thousand seven hundred and seventy-three, entitled "An Act for making perpetual an act for laying a duty on negro and mulatto slaves imported into this province, and for laying an additional duty on said slaves," shall be and are hereby repealed, annulled and made void.

Passed 1st March, 1780.—Recorded in law book vol. 1, page 339.

AN ACT

To explain and amend an act, entitled "An Act for the gradual abolition of slavery."

Section 1. For preventing many evils and abuses arising from ill-disposed persons availing themselves of certain defects in the act for the gradual abolition of slavery, passed on the first day of March, in the year of our Lord one thousand seven hundred and eighty,

Section 2. *Be it enacted, and it is hereby enacted by the Representatives of the freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same,* That the exception contained in the tenth section of the aforesaid act, relative to domestic slaves attending upon persons passing through or sojourning in this State, and not becoming resident therein, shall not be deemed or taken to extend to the slaves of such persons as are inhabitants of or resident in this State, or who shall come here with an intention to settle and reside; but that all and every slave and slaves, who shall be brought into this State by persons inhabiting or residing therein, or intending to inhabit or reside therein, shall be immediately considered, deemed, and taken to be free, to all intents and purposes.

Section 3. *And be it further enacted by the authority aforesaid,* That no negro or mulatto slave, or servant for term of years, (except as in the last exception of the tenth section of the said act is excepted,) shall be removed out of this State, with the design and intention that the place of abode or residence of such slave or servant shall be thereby altered or changed, or with the design and intention that such slave or servant, if a female, and pregnant, shall be detained and kept out of this State till her delivery of the child of which she is or shall be pregnant, or with the design and intention that such slave or servant shall be brought again into this State, without his or her consent, if of full age, testified upon a private examination before two justices of the peace of the city or county in which he or she shall reside, or being under the age of twenty-one years, without his or her consent, testified in manner aforesaid; and also, without the consent of his or her parents, if any such there be, to be testified in like manner aforesaid, whereof the said justices, or one of them, shall make a record, and deliver to the said slave or servant the reason of such removal, and the place to which he or she is about to go. And if any person or persons whatever, shall sell or dispose of any such slave or servant to any person out of this State, or shall send or carry, or cause to be sent or carried, any such slave or servant out of this State, for any of the purposes aforesaid, whereby such slave or servant would lose those benefits and privileges which by the laws of this State are secured to him or her, and shall not have obtained all such consent as by this act is required, testified in the manner before mentioned, every such person and persons, his and their aiders and abettors, shall severally forfeit and pay for every such offence, the sum of seventy-five pounds, to be recovered in any court of record by action of debt, bill, plaint or information, at the suit of any person who will sue for the same; one moiety thereof, when recovered, for the use of the plaintiff, the other moiety for the use of the poor of the city, township or place from which such slave or servant shall be taken or removed.

Section 4. *And be it further enacted by the same authority aforesaid,* That all persons who now are or hereafter shall be possessed of any child or children born after the first day of March, one thousand seven hundred and eighty, who would, by the said act, be liable to serve till the age of twenty-eight years, shall, on or before the

first day of April, one thousand seven hundred and eighty-nine, or within six months next after the birth of any such child, deliver or cause to be delivered, in writing, to the clerk of the peace of the county, or the clerk of the court of record of the city of Philadelphia, in which they shall respectively inhabit, the name, surname, and occupation or profession of such possessor, and of the county, township, district or ward, in which they reside; and also, the age, (to the best of his or her knowledge) name and sex of every such child or children, under the pain and penalty of forfeiting and losing all right and title to every such child and children, and of him, her or them immediately becoming free. Which said return or account in writing, shall be verified by the oath or affirmation of the party, which the said clerks are hereby respectively authorized and required to administer; and the said clerks shall make and preserve records thereof, copies and extracts of which shall be good evidence in all courts of justice, when certified under their hands and seals of office; for which oath or affirmation, and entry or extract, the said clerks shall be respectively entitled to one shilling and six pence, and no more, to be paid by him or her who shall so, as aforesaid, make such entry or demand the extract aforesaid:

And whereas, It has been represented to this House, that vessels have been fitted out and equipped in this port for the iniquitous purpose of receiving and transporting the natives of Africa to places where they are held in bondage, and it is just and proper to discourage, as far as practicable, such proceedings in future:

Section 5. *Be it therefore enacted, and it is hereby enacted by the authority aforesaid*, That if any person or persons shall build, fit, equip, man or otherwise prepare any ship or vessel within any port of this State, or shall cause any ship or other vessel to sail from any port in this State for the purpose of carrying on a trade or traffic in slaves, to, from or between Europe, Asia, Africa or America, or any places or country whatever, or of transporting slaves to or from one port or place to another, in any part or parts of the world, such ship or vessel, her tackle, furniture, apparel and other appurtenances, shall be forfeited to the Commonwealth; and shall be liable to be seized and prosecuted by any officer of the customs or other person, by information *in rem*, in the supreme court or the county court of common pleas for the county wherein such seizure shall be made; whereupon such proceedings shall be had, both unto and after judgment, as in and by the impost laws of this Commonwealth, in cases of seizures, is directed. And moreover, all and every person and persons so building, fitting out, manning, equipping or otherwise preparing, or sending away any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any wise aiding or abetting therein, shall severally forfeit and pay the sum of one thousand pounds; one moiety thereof to the use of the Commonwealth, and the other moiety thereof to the use of him or her who will sue for the same, by action of debt, bill, plaint, or information:

And whereas, The practice of separating, which is too often exercised by the masters and mistresses of negro and mulatto slaves or servants, for term of years, in separating husbands and wives, and parents and children, requires to be checked, so far as the same may be done without prejudice to such masters or mistresses:

Section 6. *Be it enacted by the authority aforesaid*, That if any owner or possessor of any negro or mulatto slave or slaves, or servant or servants for term of years, shall, from and after the first day of June next, separate or remove, or cause to be separated or removed, a husband from his wife, a wife from her husband, a child from his or her parent, or a parent from a child, of any or either of the descriptions aforesaid, to a greater distance than ten miles, with the design and intention of changing the habitation or place of abode of such husband or wife, parent or child, unless such child shall be above the age of four years, or unless the consent of such slave or servant for life or years shall have been obtained and testified in the manner hereinbefore described, such person or persons shall severally forfeit and pay the sum of fifty pounds, with costs of suit, for every such offence; to be recovered by action of debt, bill, plaint or information in the supreme court, or in any court of common pleas, at the suit of any person who will sue for the same; one moiety thereof when recovered, for the use of

the plaintiff, the other moiety for the use of the poor of the city, township or place from which such husband or wife, parent or child, shall have been taken or removed.

Section 7. *And be it further enacted by the authority aforesaid*, That if any person or persons shall from and after the passage of this act, by force or violence take and carry, or cause to be taken or carried, or shall by fraud seduce, or caused to be seduced, any negro or mulatto from any part or parts of this State, to any other place or places whatsoever, with a design and intention of selling and disposing, or of causing to be sold, or of keeping and detaining, or of causing so to be, as a slave or servant, for term of years, every such person or persons, their aiders and abettors, shall on conviction thereof in any court of quarter sessions for any city or county within this Commonwealth, forfeit and pay the sum of one hundred pounds to the overseers of the poor of the city or township from which such negro or mulatto shall have been taken or seduced as aforesaid, and shall also be confined at hard labor for any time not less than six months, nor more than twelve months, and until the costs of prosecution shall be paid.

Section 8. *And be it further enacted by the authority aforesaid*, That the justices of the courts of common pleas for the counties of this State respectively, be and they are hereby required and enjoined to cause this act to be publicly read at least twice in each term, for the two terms next following the passing of this act.

Passed 29th March, 1788. Recorded in law book, No. 3, page 370.

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